

**Notice of Allowability**

Application No.

09/532,398

Examiner

Fred Ferris

Applicant(s)

BOERGER ET AL.

Art Unit

2128

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 23 May 2005.
2. ☒ The allowed claim(s) is/are 16-29 (Now renumbered as 1-14).
3. ☒ The drawings filed on 22 March 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)           |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|   | 9. <input type="checkbox"/> Other _____   |

AD

### **DETAILED ACTION**

1. *This office action is in response to applicant's after final amendment filed 23 May 2005. Applicants have now cancelled claims 1-15. Claims 16-29 were previously allowed over the prior art of record.*

### **Response to Arguments**

2. *Applicant's arguments filed 23 May 2005 are persuasive and the case is now in condition for allowance in view of applicant's cancellation of claims 1-15. The prior art rejection of claims 16-29 was previously withdrawn and the claims were allowed over the prior art of record. (See: final office action 3/31/05)*

### **Allowable Subject Matter**

3. *Claims 16-29 are allowed over the prior art of record.*

*The following is an examiners statement of reasons for allowance:*

*Claims 16 and 23 use "means for" language <sup>IS</sup> ~~and are~~ given deference in view of In re Donaldson and interpreted in view of 35 U.S.C. § 112 paragraph 6. The "means for" language and the limitations related thereto of claims 16 and 23 are interpreted within the scope of enablement as provided within the relative embodiment provided within applicant's specification. Specifically, the modeling means, sensor means, and exposure adjustment means recited in independent claims 16 and 23 is interpreted as the specific sequence of steps for computer modeling the LED brightness of an*

*illumination source, sensor, and exposure adjustment as disclosed in applicant's specification on page 3, line 16 to page 9, line 17 and in Figure 1.*

*The closest prior art uncovered during examination discloses certain elements of the claimed invention as follows:*

*U.S. Patent 6,130,700 issued to Murayama et al: Murayama discloses an image capture device incorporating an illumination source (model) consisting of light emitting elements including correction for environmental conditions (exposure time, ambient temperature, etc.) and modeling dynamically changing current and voltage to the illumination source (LED's) but does not disclose the specific modeling means, sensor means, and exposure adjustment means as disclosed in applicants specification as noted above.*

*"Solid State Devices and Applications", F. Driscoll: Driscoll discloses the specific physical process for mathematically describing LED behavior but does not disclose the specific modeling means, sensor means, or exposure adjustment means steps as disclosed in applicants specification as noted above.*

*"Microelectronic Circuits", A. S. Sedra: Sedra discloses a simple circuit for modeling a diode's resistance as a resistor with a capacitor representing the diode's diffusion capacitance but again does not disclose the specific modeling means, sensor means, or exposure adjustment means steps as disclosed in applicants specification as noted above.*

*While the prior art of record discloses certain elements of the claimed invention, it does not explicitly disclose the specific sequence of steps for the computer modeling*

*means, sensor means, and exposure adjustment means as disclosed in applicant's specification on page 3, line 16 to page 9, line 17. This feature renders the claimed invention non-obvious over the prior art of record.*

*Claims 17-22 and 24-29 are deemed allowable as depending from claims 16 and 23 respectively.*

*Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."*

#### **Conclusion**

4. *Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred Ferris whose telephone number is 571-272-3778 and whose normal working hours are 8:30am to 5:00pm Monday to Friday. Any inquiry of a general nature relating to the status of this application should be directed to the group receptionist whose telephone number is 571-272-3700. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jean Homere can be reached at 571-272-3780. The Official Fax Number is: (703) 872-9306*

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June 24, 2005*

  
JEAN R. HOMERE  
PRIMARY EXAMINER